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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,620	05/24/2006	Sint Baron	NL03 1411 US1	5565

24738 7590 09/05/2008
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
PO BOX 3001
BRIARCLIFF MANOR, NY 10510-8001

EXAMINER

MCDONALD, SHANTESE L

ART UNIT	PAPER NUMBER
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3723

MAIL DATE	DELIVERY MODE
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09/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,620	Applicant(s) BARON ET AL.	
	Examiner Shantese L. McDonald	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1 and 4-14 is/are allowed.
- 6) ☐ Claim(s) 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al.

Taniguchi et al. teaches a shaving apparatus comprising at least one shaving head including a shaving surface, 62, for contacting the skin during shaving and at least one cutter, 61, that is movable behind the shaving surface, a drive structure including a motor, 40, and coupled to the at least one cutter for driving movement of the cutter, (col. 6, lines 29-32), electric power supply means connected to the motor, a housing, 12, containing the motor and at least part of the electric power supply means, a shell structure, 10,20, detachable from the housing, enveloping at least a circumference of the housing behind the at least one shaving head when mounted to the housing and the shell structure includes shell portions spaced from the housing such that an interspace is left between the housing and the shell, (col. 6, lines 33-54), a shaving head holder, 14, and an end of the housing, 18. Taniguchi et al. also teaches that the housing includes at least a first operating member and wherein the shell structure includes at least a second operating member operatively connected with the first operating member

wherein the first and second members are mechanically and electrically connected, (col. 8, lines 59-64). Taniguchi et al. teaches all the limitations of the claims except for the shell covers having mutually different shapes from each other. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the shaver of Taniguchi with the shell covers having of different shapes, with the capability to be interchangeable with another shaving apparatus having the same structure, as a matter of obvious design choice.

Allowable Subject Matter

Claims 1 and 4-14 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

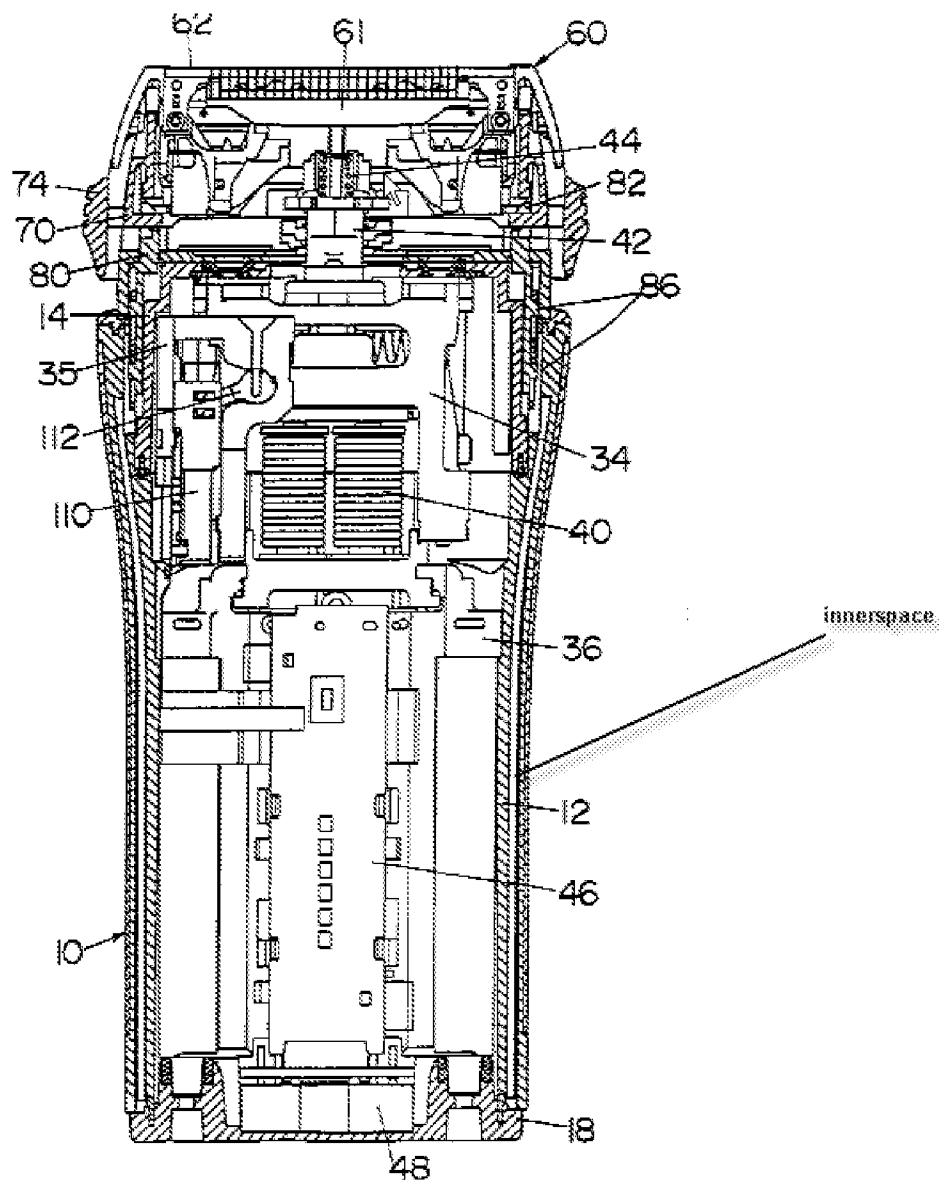
The Applicant argues that the shell structure, 14, does not envelope at least a circumference of the housing behind the at least one shaving head. The Examiner disagrees. The housing, 12, of Taniguchi is described as being a tube having an upper shell and a bottom cover, and the upper shell and the bottom cover closing the top and bottom of the tube in a water-tight fashion to seal the motor, (col. 6, lines 32-54, fig. 4B). Taniguchi teaches that the shell, 20, covers the housing, 12. As shown in fig. 4B, the shell, 20, envelops at least the front half of the housing, which can be considered as, at least a circumference of the housing. The Examiner notes that the claim limitation is,

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"at least a circumference", and not the whole circumference of the housing, and this arrangement is located behind the shaving head.

The Examiner notes that the Taniguchi reference does indeed teach an interspace left between the housing and the shell portions. Taniguchi teaches that the upper shell, 14, bottom cover, 18, and the tube 12, close the top and bottom openings of the tube in water tight fashion, (col. 6, lines 33-40). Therefore it means that there is a space between the housing shell, 10, and the housing, 12, as depicted in fig. 2, since the specification of Taniguchi doesn't state that the shell, 10 and the housing, 12, are put together in a water tight fashion, and if water can fit in that space, then there has to be a inner space, (see the marked up figure).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantese L. McDonald whose telephone number is (571) 272-4486. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.L.M.
September 1, 2008

/Joseph J. Hail, III/
Supervisory Patent Examiner, Art Unit 3723